



## Senate

General Assembly

January Session, 2013

**File No. 653**

Senate Bill No. 1017

*Senate, May 1, 2013*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### ***AN ACT CONCERNING ABANDONED BOATS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-140c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) No person shall abandon any vessel on the waters of this state or  
4 upon property other than his own without the consent of the owner  
5 thereof. For the purposes of this section, a vessel shall be presumed to  
6 be abandoned if: [left] (1) Left on the waters of this state not moored,  
7 anchored or made fast to the shore and unattended for a period greater  
8 than twenty-four hours, [or] (2) left upon property other than his own  
9 without the consent of said property owner for a period greater than  
10 twenty-four hours, [. The last owner of record of a vessel at the time it  
11 was abandoned shall be presumed to be the person who abandoned  
12 the same or caused or procured its abandonment] except in the case  
13 where a tenant leaves a vessel behind on property such tenant  
14 formerly rented, leased, or occupied, in which case such vessel shall be  
15 presumed to be abandoned ninety days after termination of occupancy

16 by such tenant, (3) left at a mooring for more than sixty days since  
17 receipt of the last full payment, (4) left at a storage facility, repair  
18 facility or other commercial facility for more than one year since  
19 receipt of the last full payment by such facility, or (5) found during a  
20 declared emergency pursuant to chapter 517: (A) In a public right-of-  
21 way and that hinders access to a public right-of-way or hinders access  
22 to public utilities, or (B) in a location or condition that creates an  
23 imminent danger to public safety or to the environment.

24 [(b) Any officer authorized to enforce the provisions of this chapter  
25 upon discovery of any vessel apparently abandoned, whether situated  
26 on or out of the waters of the state, may take such vessel into his  
27 custody and may cause the same to be taken to and stored in a suitable  
28 place. There shall be no liability attached to such officer for any  
29 damages to such vessel while in his custody. All charges necessarily  
30 incurred by such officer in the performance of such duty shall be a lien  
31 upon such vessel. The owner or keeper of any marina or other place  
32 where such vessel is stored shall have a lien upon the same for his  
33 storage charges and if such vessel has been stored for a period of not  
34 less than sixty days, such owner or keeper may sell the same for  
35 storage charges owed thereon, provided a notice of intent to sell shall  
36 be sent to the Commissioner of Energy and Environmental Protection,  
37 the Commissioner of Motor Vehicles, the Commissioner of  
38 Transportation and the owner of such vessel, if known, five days  
39 before the sale of such vessel. If the owner is unknown, such sale shall  
40 be advertised in a newspaper published or having a circulation in the  
41 town where such marina or other place is located three times,  
42 commencing at least five days before the sale. The proceeds of such  
43 sale, after deducting the amount due such marina owner or keeper and  
44 all expenses of the officer who placed such vessel in storage, shall be  
45 paid to the owner of such vessel or his legal representatives, if claimed  
46 by him or them at any time within one year from the date of such sale.  
47 If such balance is not claimed within said period, it shall escheat to the  
48 state.]

49 (b) The last owner of record of a vessel, as recorded with the

50 governmental entity that issued such registration, shall be presumed to  
51 be the person who abandoned or caused the abandonment of such  
52 vessel, except where such person provides the Commissioner of  
53 Energy and Environmental Protection with sufficient evidence of  
54 ownership. For any vessel presumed to be abandoned, the person who  
55 abandoned such vessel shall be deemed to have waived any and all  
56 rights with respect to the privacy and confidentiality of such  
57 registration and any information contained in such registration, except  
58 that any Social Security number shall not be made public and any  
59 personal information otherwise prohibited from disclosure pursuant to  
60 section 1-217 shall not be made public. For the purpose of this  
61 subsection, a vessel that is documented with the United States Coast  
62 Guard under maritime or admiralty law shall be considered to be  
63 registered with the United States Coast Guard.

64 (c) Only a party with standing or such party's designated agent, as  
65 identified in writing by such party with standing on a notification of  
66 abandoned vessel, may initiate the abandoned vessel procedures  
67 described in this section. For the purpose of this section, the following  
68 parties shall have standing:

69 (1) The owner of the property where the abandoned vessel came to  
70 rest or to which the abandoned vessel was made fast, unless such  
71 vessel is given over to a lienholder, harbormaster, police department,  
72 municipality or agent of the state;

73 (2) Any harbormaster, police department, municipality, or agent of  
74 the state that agrees to accept or process an abandoned vessel;

75 (3) Any emergency responder, including a responding utility, or any  
76 person or firm contracted by a governmental agency to provide  
77 emergency services and responding to a bona fide emergency in a  
78 declared emergency pursuant to chapter 517 or the aftermath of a  
79 declared emergency; and

80 (4) Any marine salvager or licensed automobile towage engaged by  
81 any of the persons described in subdivisions (1) to (3), inclusive, of this

82 subsection.

83 (d) Any party with standing may seek full cost recovery from the  
84 person who abandoned the vessel for any unpaid expense incurred as  
85 a result of, or incidental to, such vessel abandonment. Any person who  
86 acts in good faith and without malicious intent in the processing,  
87 storage or movement of any abandoned vessel pursuant to this section  
88 shall be immune from civil liability for damage to such vessel.

89 (e) The Commissioner of Energy and Environmental Protection shall  
90 notify the Secretary of the State by electronic mail of the receipt of any  
91 notice of abandoned vessel for any abandoned vessel currently or  
92 previously registered in this state. Such notification shall include a  
93 description of the abandoned vessel and shall identify the name of the  
94 owner of the vessel, as recorded with the Department of Motor  
95 Vehicles, if known. The Secretary of the State shall inform the  
96 Commissioner of Energy and Environmental Protection, not later than  
97 ten business days after receipt of such notification, of any security  
98 interest or commercial lien against such abandoned vessel and the  
99 Secretary shall notify all such lienholders that such vessel is deemed  
100 abandoned. If such abandoned vessel was documented in accordance  
101 with the maritime or admiralty laws of the United States, the  
102 Commissioner of Energy and Environmental Protection shall  
103 determine whether any lien exists against such abandoned vessel and  
104 shall make reasonable attempts to notify all lienholders of the status  
105 and location of the abandoned vessel.

106 (f) Any party with a lien against an abandoned vessel, as filed with  
107 the Secretary of the State, shall seek a writ of attachment in accordance  
108 with the provisions of section 49-55d, at such party's own expense and  
109 not later than the issuance of a notice of assumed ownership to such  
110 party by the Commissioner of Energy and Environmental Protection. If  
111 such party fails to seek such writ of attachment, such party shall be  
112 deemed to have discharged such lien pursuant to section 49-56a. Any  
113 party with a lien against an abandoned vessel as filed with an agency  
114 of the United States may take the vessel into custody. Any lienholder

115 may request that the Commissioner of Energy and Environmental  
116 Protection suspend the abandoned boat procedures pursuant to  
117 subsection (h) of this section for the purpose of arranging for the  
118 removal, transport or storage of an abandoned vessel. Any lienholder  
119 who takes an abandoned vessel into custody shall be liable to the  
120 applicable party with standing for any damage incurred to the vessel  
121 during the removal of such abandoned vessel. Any abandoned vessel,  
122 once in the custody of a lienholder or an agent of a lienholder, shall no  
123 longer be deemed to be an abandoned vessel and shall otherwise be  
124 processed pursuant to chapter 847.

125 (g) In the event an abandoned vessel is registered in another state,  
126 the Commissioner of Energy and Environmental Protection shall notify  
127 the registering agency by electronic mail and shall allow such agency  
128 fifteen business days to return information regarding the owner of  
129 record of such vessel or to otherwise intervene in the abandoned vessel  
130 procedures described in this section. If such registering agency does  
131 not provide contact information or otherwise intervene in such  
132 procedures not later than fifteen business days after receipt of such  
133 notification, any further obligation to identify or contact the last owner  
134 of record shall be considered to be waived, unless the abandoned  
135 vessel is documented according to the maritime or admiralty laws of  
136 the United States, in which case the commissioner may use the  
137 information contained in such documentation to identify the last  
138 owner of record.

139 (h) The Commissioner of Energy and Environmental Protection  
140 shall establish the following online process for the disposition of  
141 abandoned vessels. Such process shall apply, in its entirety, only to  
142 those abandoned vessels that are not documented according to the  
143 maritime or admiralty laws of the United States or for which such  
144 documentation is expired or cancelled. The provisions of this  
145 subsection shall not apply to vessels that are documented according to  
146 the maritime or admiralty laws of the United States except the  
147 provisions of subdivisions (1) to (5), inclusive, of this subsection.

148     (1) The party with standing shall file a notarized notice of  
149     abandoned vessel with the Commissioner of Energy and  
150     Environmental Protection in person, by mail, or by paid delivery  
151     service. Such filing shall be on forms as prescribed by the  
152     commissioner. The fee for filing such notice shall be twenty dollars.

153     (2) Upon receipt of any such filing, the commissioner shall  
154     determine whether such vessel is reported as stolen or missing. If the  
155     vessel was reported as stolen or missing, the police department with  
156     whom the report was filed shall take such vessel into custody at the  
157     expense of the person who abandoned such vessel.

158     (3) The commissioner shall post information regarding the report of  
159     the abandoned vessel online, on a publicly accessible abandoned vessel  
160     Internet web site. Such information shall be sufficient to identify the  
161     abandoned vessel and shall contain, at a minimum and where such  
162     information is known, the registration number of such vessel, the make  
163     and model of such vessel, the length and color of such vessel, the town  
164     and water body nearest to the location of such vessel abandonment  
165     and instructions for contacting the commissioner.

166     (4) The commissioner shall send a certified letter to the person who  
167     abandoned such vessel, provided such person can be identified, and in  
168     such letter identify the abandoned vessel, notify the recipient of the  
169     consequences of abandonment under the law and provide instructions  
170     regarding retrieval of such vessel.

171     (5) The commissioner shall provide to the party with standing a  
172     water resistant adhesive label advising that the subject vessel is being  
173     processed pursuant to the provisions of this section and that contains  
174     instructions on how to contact the commissioner in order to acquire  
175     more information or intervene in such procedures. The party with  
176     standing shall immediately affix the label to the abandoned boat in a  
177     prominent location in such a manner as to be visible to an approaching  
178     party.

179     (6) A forty-five-day abandoned boat period shall commence

180 beginning on the date of the first attempt to deliver the certified letter  
181 described in subdivision (4) of this subsection. In any case in which a  
182 vessel is not registered, such period shall begin when the  
183 commissioner posts information regarding the abandoned vessel on  
184 the Internet web site described in subdivision (3) of this subsection.  
185 The commissioner may suspend such abandoned boat period for not  
186 more than six months for just cause, provided the commissioner shall  
187 state in writing, for publication on such abandoned boat Internet web  
188 site described in subdivision (3) of this subsection, the reason for such  
189 suspension and the elements necessary to resume the abandoned boat  
190 period.

191 (7) On the day following the expiration of the abandoned boat  
192 period, if the person who abandoned such vessel did not contact the  
193 commissioner or otherwise failed to remove such abandoned vessel,  
194 the commissioner shall issue a notice of assumed ownership, by  
195 certified mail, to the party with standing and provide a copy of the  
196 notice to the Commissioner of Motor Vehicles by electronic mail. If  
197 such abandoned vessel is the subject of a commercial lien, as filed with  
198 the Secretary of the State, the Commissioner of Energy and  
199 Environmental Protection shall send a copy of such notice of assumed  
200 ownership, by electronic mail, to said Secretary. Said Secretary shall  
201 consider such notice of assumed ownership to be a termination of any  
202 and all liens against such vessel and to satisfy the notice of removal  
203 requirements of section 49-56a. Upon issuance of said notice of  
204 assumed ownership the party with standing shall be deemed to be the  
205 owner of the abandoned vessel, and the original of the notice of  
206 assumed ownership shall be prima facie evidence of such ownership.  
207 The Commissioner of Motor Vehicles shall cancel the existing  
208 registration for such vessel and shall note the transfer of ownership to  
209 the party with standing in the vessel registration record, if such record  
210 exists. If such vessel is registered by a registering agency other than the  
211 Department of Motor Vehicles, the Commissioner of Motor Vehicles  
212 shall notify such agency, by electronic mail, of the transfer of  
213 ownership.

214     (8) If the person who abandoned such vessel contacts the  
215     Commissioner of Energy and Environmental Protection, such person  
216     shall have until the last day of the abandoned boat period described in  
217     subdivision (6) of this subsection to remove such abandoned vessel  
218     from the property or possession of the party with standing, as  
219     applicable. If the person who abandoned such vessel fails to remove  
220     such vessel by said day, the Commissioner of Energy and  
221     Environmental Protection shall cause the registration of the abandoned  
222     vessel to be cancelled and shall issue a notice of assumed ownership to  
223     the party with standing. The commissioner may suspend the  
224     abandoned boat period, in accordance with subdivision (6) of this  
225     subsection, at the request of the person who abandoned the vessel and  
226     for just cause shown. The person who abandoned the vessel shall be  
227     liable for any property damage caused by the removal of the  
228     abandoned vessel that is undertaken pursuant to this subdivision.

229     (i) For a period of forty-five days following the end of a declared  
230     state of emergency that resulted in the widespread displacement of  
231     vessels and that was declared to be an emergency by the Governor  
232     pursuant to chapter 517, there shall be no fee for the filing of a notice of  
233     abandoned vessel, pursuant to subdivision (1) of subsection (h) of this  
234     section, and notarization of such notice shall not be required.

235     (j) A notice of abandoned vessel, as described in subdivision (1) of  
236     subsection (h) of this section, shall be prepared and submitted to the  
237     Commissioner of Energy and Environmental Protection for each  
238     abandoned vessel, including any vessel that is documented with the  
239     United States Coast Guard in accordance with the maritime or  
240     admiralty laws of the United States or that is relocated to an  
241     abandoned boat holding area by persons or agents acting in a relief or  
242     emergency capacity.

243     (k) The commissioner may waive the requirement to contact the  
244     person who abandoned such vessel by certified mail, as required by  
245     subsection (h) of this section, if contact with such person is otherwise  
246     established by electronic mail or another suitable means of

247 communication, as determined by the commissioner.

248 (l) Notwithstanding any provisions of the general statutes, any  
249 waste oil, fuel, antifreeze or other hazardous materials stored on an  
250 abandoned vessel and incidental to the operation and maintenance of  
251 such abandoned vessel shall be deemed household hazardous waste,  
252 for the purpose of disposal of such materials, if removed from such  
253 abandoned vessel in preparation for the storage, removal or  
254 destruction of such abandoned vessel.

255 (m) Any person who abandons a vessel shall have committed a  
256 violation and shall be fined not less than three hundred dollars nor  
257 more than five hundred dollars, except if such abandonment occurred  
258 during a declared emergency and as a result of the conditions that  
259 caused such emergency to be declared.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	15-140c

**JUD**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

---

### ***OFA Fiscal Note***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Energy and Environmental Protection	GF - Revenue Gain	At least 2,000	At least 2,000

***Municipal Impact:*** None

#### ***Explanation***

The bill makes several changes to current law regarding abandoned vessels that are anticipated to result in a revenue gain to the state of at least \$2,000 annually.

The bill establishes a \$20 filing fee payable to the Department of Energy and Environmental Protection (DEEP) associated with a new administrative process for disposing of abandoned vessels. DEEP manages the administration of approximately 50-100 abandoned vessels annually. Therefore, there may be a revenue gain to DEEP of at least \$2,000 annually for this purpose.

Lastly, the bill makes abandoning a vessel a violation and subjects violators to a fine of between \$300 to \$500, under certain conditions. The state is anticipated to realize a revenue gain under this provision, the amount of which depends on the number of violations.

#### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, the number of vessels recovered, and the number of violations that occur.

---

**OLR Bill Analysis****SB 1017*****AN ACT CONCERNING ABANDONED BOATS.*****SUMMARY:**

This bill eliminates existing procedures regarding abandoned vessels and establishes a new administrative process for disposing of them.

The bill replaces current law, which (1) allows an officer to seize an abandoned vessel and deliver it to a person for storage; (2) permits that person to sell it if it is unclaimed after 60 days; and (3) specifies that sale proceeds cover storage costs and are then paid to the owner, or the state if unclaimed. The bill instead generally allows certain public or private parties to begin a process to take ownership of an abandoned vessel after 45 days if the boat is not claimed by the owner or a party with a lien or security interest.

The bill makes abandoning a vessel a violation, subjecting violators to a fine of between \$300 and \$500, unless the vessel is abandoned during, and due to conditions that caused, a declared emergency.

It also deems waste oil, fuel, antifreeze, or other hazardous materials stored on an abandoned boat to be household hazardous waste for disposal purposes if the materials are (1) incidental to the boat's operation and maintenance and (2) removed in preparation for the vessel's storage, removal, or destruction.

EFFECTIVE DATE: October 1, 2013

**PRESUMPTION OF VESSEL ABANDONMENT*****Abandoned Vessel***

The bill generally expands the circumstances under which a vessel is considered abandoned.

By law, abandoning a vessel on state waters or on someone's property without consent is prohibited. Under current law, a vessel is presumed abandoned if it is left (1) on state waters not moored, anchored, or fastened to the shore and unattended for more than 24 hours or (2) on someone else's property without consent for more than 24 hours.

The bill retains these presumptions but gives former tenants who leave a vessel on property they rented, leased, or occupied up to 90 days before it is considered abandoned. It also adds presumptions that a vessel is abandoned if it is:

1. left at a mooring for more than 60 days since the last full payment was received;
2. left at a storage, repair, or other commercial facility for more than one year since the facility received the last full payment; or
3. found during a declared emergency either in a (a) public right-of-way hindering access to the right-of-way or public utilities or (b) location or condition that creates an imminent danger to public safety or the environment.

### ***Vessel Owner***

Current law presumes that the last owner of record when the vessel was abandoned is the person who abandoned it or caused its abandonment. The bill retains this presumption, but specifies that the owner is the person recorded with the government agency that registered the vessel. Vessels documented with the United States Coast Guard under maritime or admiralty laws are considered registered with the Coast Guard. It allows a different person to provide the DEEP commissioner with sufficient evidence of ownership.

Under the bill, the person who abandons a vessel is considered to

have waived his or her privacy and confidentiality rights to the vessel's registration information, except for Social Security numbers.

## **ABANDONED BOAT PROCEDURE**

### ***Current Law***

The bill removes existing procedures regarding abandoned vessels and establishes new ones. It eliminates current law that:

1. allows any officer authorized to enforce the state's boating laws to take an abandoned vessel into his or her custody and store it;
2. makes an officer not liable for damage to the vessel when it is in his or her custody;
3. provides a lien for (a) any charges incurred by such an officer to take custody of the vessel and (b) storage charges of the owner or keeper of a marina or other location where the vessel is stored;
4. allows the owner or keeper to sell the vessel to recoup the storage charges if such vessel is stored for at least 60 days;
5. requires notice of the sale to be (a) provided to the vessel owner and the DEEP, motor vehicles, and transportation commissioners five days before the sale or (b) published in the newspaper at least three times starting at least five days before the sale if the owner is unknown; and
6. specifies that (a) the sale proceeds, minus the amounts due to the marina owner or keeper and the officer who took the vessel for storage, must be paid to the vessel owner or his or her legal representatives if claimed within one year after the sale, and (b) unclaimed funds escheat to the state.

### ***Party with Standing***

Under the bill, a party with standing or its designated agent, as identified in writing on the notification of abandoned vessel (see

below), may begin the abandoned vessel process. It establishes the following parties as those with standing:

1. the owner of property where the abandoned vessel came to rest or was fastened, except if the boat is turned over to a lienholder, harbormaster, police department, municipality, or agent of the state;
2. a harbormaster, police department, municipality, or agent of the state that agrees to accept or process an abandoned vessel;
3. an emergency responder, including a responding utility or person or firm (a) contracted by the government to provide emergency services and (b) responding to a bona fide emergency during or after an emergency declared by the President or governor; and
4. a marine salvager or licensed automobile tow operator employed by any of the above parties.

The bill allows these parties to recover from the person who abandoned the vessel the expenses they incur due to the vessel's abandonment. It also relieves any person from civil liability for damage to an abandoned vessel if such person acts in good faith and without malice in processing, storing, or moving the vessel according to the bill's provisions (but the bill subjects lienholders to certain liability when removing abandoned vessels, see below).

### ***Determining Interested Parties of Abandoned Vessels***

***Vessels Registered in Connecticut.*** The bill requires the DEEP commissioner to notify the secretary of the state by electronic mail when he receives a notice of an abandoned vessel (see below) that is or was registered in Connecticut. He must (1) describe the vessel and (2) identify the name, if known, of the vessel's owner as recorded with the Department of Motor Vehicles (DMV).

The secretary of the state must, within 10 business days after

receiving notice, (1) inform the DEEP commissioner of any security interest or commercial lien against the abandoned vessel and (2) notify all such lienholders (presumably referring to parties with a security interest as well as commercial lienholders) that the vessel is deemed abandoned.

Under the bill, if an abandoned vessel is documented according to federal maritime or admiralty law, the DEEP commissioner must determine if liens exist against the vessel and make reasonable attempts to notify all lienholders (presumably parties with security interests or commercial liens) of the vessel's status and location.

**Vessels Registered in Other States.** If an abandoned vessel is registered in another state, the bill requires the DEEP commissioner to (1) notify the other state's registering agency by electronic mail and (2) provide such registering agency with 15 business days to (a) return information on the vessel's owner of record or (b) intervene in the abandoned vessel procedure. The bill specifies that if the other state's registering agency fails to provide the owner of record's contact information or intervene within 15 business days after receiving notice from DEEP, there is no further obligation to identify or contact the last owner of record. Unlike with Connecticut-registered vessels, the bill does not impose on DEEP any obligation to identify lienholders and secured parties.

For vessels documented under federal maritime or admiralty laws, the commissioner may use information from such documentation to identify the last owner of record.

### ***Process for Disposing of Abandoned Vessels***

The bill establishes a new eight-step procedure (described below) for processing abandoned vessels. Abandoned vessels documented under federal maritime or admiralty laws, or with such an expired or cancelled documentation are not subject to the processes' abandoned boat period and transfer of ownership provisions. Federal law generally governs these vessels.

**Notice of Abandoned Vessel.** The bill requires a party with standing to file a “notice of abandoned vessel” with the DEEP commissioner to begin the abandonment process. The notice must be notarized and filed on forms the commissioner prescribes. It may be filed in person, by mail, or by paid delivery service, and the filing fee is \$20. But for filings occurring within 45 days after the end of an emergency declared by the governor that results in widespread vessel displacement, there is no filing fee and notarization is not required.

The bill requires that a notice of abandoned vessel be prepared and submitted to the commissioner for each abandoned vessel. It includes vessels (1) documented with the U.S. Coast Guard under federal maritime or admiralty laws or (2) relocated to an abandoned boat holding area by people or agents acting in a relief or emergency capacity.

**Stolen or Missing Vessels.** Under the bill, when the commissioner receives the filing, he must determine if the vessel is reported as stolen or missing. If so, the police department with which the report was filed must take custody of the vessel at the expense of the person who abandoned it.

**Internet Notice.** The bill requires the DEEP commissioner to post information about the report of the abandoned vessel (presumably the notice) online on a publicly-accessible abandoned vessel website. The information must be sufficient to identify the abandoned vessel and include, if known, (1) the vessel’s registration number, make, model, length, and color; (2) the town and water body nearest to where the vessel was abandoned; and (3) instructions for contacting the commissioner.

**Certified Letter.** The DEEP commissioner must send a certified letter to the person who abandoned the vessel, who is presumed to be the owner (see above), if such person can be identified. In the letter, he must (1) identify the abandoned vessel, (2) notify the recipient of the law’s consequences for abandonment, and (3) provide instructions for retrieving the vessel.

The bill allows the commissioner to waive the certified mail requirement if he establishes contact with such person by electronic mail or some other communication method he determines suitable.

**Label.** The bill requires the DEEP commissioner to provide the party with standing with a water resistant adhesive label to be immediately affixed on the abandoned vessel. The label must (1) advise that the vessel is being processed according to the abandoned vessel procedure and (2) provide instructions for contacting the DEEP commissioner to obtain more information or intervene. It must be placed in a prominent location in a manner that is visible to an approaching party. The bill requires placing such a label on a federally-documented abandoned boat, although these boats are exempt from the transfer of ownership provisions under the abandonment process.

**45-Day Abandoned Boat Period.** Under the bill, a 45-day abandoned boat period begins when the first attempt to deliver the certified letter to the person who abandoned the vessel is made. For unregistered vessels, the 45-day period begins when the DEEP commissioner posts information about the abandoned vessel on the publicly-accessible abandoned vessel website.

The commissioner may suspend the period for up to six months for cause if he states in writing on the abandoned vessel website the (1) reason for the suspension and (2) elements needed to resume the 45-day period.

**Notice of Assumed Ownership.** The bill requires the DEEP commissioner to issue a “notice of assumed ownership” to the party with standing on the day after the abandoned boat period ends if (1) he is not contacted by the person who abandoned the vessel or (2) the person who abandoned the vessel fails to remove it. (A lienholder may also obtain custody before the period ends, see below.) Once this notice is issued, the party with standing is considered the abandoned vessel’s owner and the original notice of assumed ownership is prima facie evidence of such ownership. The bill requires the notice to be sent

to the party with standing by certified mail with a copy sent by electronic mail to the DMV commissioner.

The bill requires the DMV commissioner to then cancel the vessel's existing registration and note the ownership transfer to the party with standing in the vessel's registration record, if it exists. For vessels registered by some other registering agency, the DMV commissioner must notify such agency by electronic mail of the ownership transfer.

Under the bill, if an abandoned vessel is subject to a commercial lien filed with the secretary of the state, the DEEP commissioner must send a copy of the notice by electronic mail to the secretary. The bill requires her to consider the notice of assumed ownership to (1) be a termination of all liens against the vessel and (2) satisfy the law's notice requirements for lien removal (presumably these provisions also apply to parties with security interests).

***Retrieval by Person Who Abandoned Vessel.*** The bill gives a person who abandoned a vessel until the last day of the abandoned boat period to remove the abandoned vessel from the property or possession of the party with standing, if he or she contacts the DEEP commissioner. The bill also makes such a person liable for any property damage caused by the vessel's removal. If the person who abandoned the boat fails to remove it, the commissioner must (1) cause the vessel's registration to be cancelled and (2) issue a notice of assumed ownership to the party with standing.

The bill specifies that someone who abandons a vessel may request a suspension of the 45-day abandoned boat period for just cause.

### ***Lienholder Obligations***

The bill requires any party with a lien (presumably both those with a security interest or a commercial lien) against an abandoned vessel that is filed with the secretary of the state to seek a writ of attachment from the Superior Court. This must be done (1) at the party's expense and (2) before the issuance of a notice of assumed ownership to such party from DEEP (but the commissioner issues the notice to the party

with standing—not the lienholder). Not all lienholders or secured parties file with the secretary, and the bill would not allow them to obtain a writ. Under the bill, a party is deemed to have discharged its lien if it fails to seek the writ.

The bill allows any lienholder (presumably one with a security interest or a commercial lien) to ask the DEEP commissioner to suspend the abandoned boat procedure described above to arrange for the removal, transport, or storage of an abandoned vessel. It subjects lienholders who take custody of abandoned vessels to liability to the parties with standing for any damage to the vessels incurred during the vessels' removal. The bill provides that an abandoned vessel in a lienholder's or its agent's custody is no longer considered abandoned and can be sold according to existing law regarding liens.

The bill also allows a party with a lien against an abandoned vessel that is filed with a federal agency to take custody of the vessel.

## **BACKGROUND**

### ***Related Bill***

HB 6341, File 285, favorably reported by the Judiciary Committee, creates a certificate of title system for certain vessels that are principally used on Connecticut waters. Among other things, the bill makes a certificate of title prima facie evidence of ownership, sets rules for perfecting security interests on certificates and indicating transfers of interests in vessels, and requires DMV to maintain certain information in indexed files for public searches.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 44 Nay 0 (04/19/2013)